



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Shumaker & Sieffert, P.A.
8425 Seasons Parkway
Suite 105
St. Paul, MN 55125

MAILED #12

MAY 27 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re Application of
Adam Their et al.
Application No. 09/628,479
Filed: July 31, 2000
For: BUDGET PLANNING

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in response to applicants' petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office on January 16, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that an Office action was mailed to the applicants on May 9, 2002 wherein a three-month shortened statutory period for response was set. Since no timely response to the May 9, 2002 Office action was received, the application was held to be abandoned, and a notice to that effect was mailed on December 16, 2002.

Petitioner states that a response was filed by Samatha J. Rupert on July 11, 2002 via facsimile. The copy of the response submitted with the petition includes a Certificate of Transmission dated July 11, 2002.

Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission must include the following requirements:

- (1) A copy of a response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement attesting to the personal knowledge of transmitting the response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

The petition fails to include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of mailing response on the date indicated on the certificate, by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868
Facsimile No.: (703) 605-0586

SNM/tpl: 5/22/03